

## REMARKS

### 1. Status of Claims

The office action dated March 3, 2005, stated on the Office Action Summary page that claims 1-15 were rejected. However, the Office Action stated on page 4 that claims 7-9 and 15 were allowed. Applicant requests clarification of the status of claims 7-9 and 15.

### 2. Rejection for Obviousness-Type Double Patenting

The Examiner provisionally rejected claims 1-15 for obviousness-type double patenting in view of claims 1-17 in copending application 09/923,751. This rejection is provisional because the copending application has not issued as a patent.

Unless the claims in the copending application have been allowed or are about to be allowed, applicant contends that this provisional rejection should be withdrawn. After one of these two applications issues as a patent, the issue of obviousness-type double patenting can be addressed in the other application. In the office action of March 3, 2005, there is no explanation as to why applicant must take any other action in response to a rejection that is only provisional.

### 3. Rejection under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-6 and 10-14 under § 103(a) in view of Agapiou U.S. Patent 5,442,019. The Examiner noted that claim 1 as amended states that in the step of restarting polymerization, "the at least one catalyst" is introduced into the olefin polymerization zone, rather than the claim's original wording of introducing "at least one catalyst." However, the Examiner stated that this could mean using the same type of catalyst, for example with all transition metal-containing catalysts being considered one "type", and therefore the Ziegler-Natta and metallocene catalysts of Agapiou were not distinguished from claim 1.

In claim 1, one step of the process comprises "introducing at least one monomer, at least one catalyst, and at least one diluent into an olefin polymerization zone . . . ." Another step in claim 1 comprises "restarting polymerization by introducing into the olefin polymerization zone the at least one catalyst." (Emphasis added.)

Agapiou teaches a polymerization process that involves transitioning between incompatible catalyst systems. (Abstract.) In the process of Agapiou, the introduction of one of the incompatible catalysts into the reactor is discontinued. Then a catalyst killer is introduced. Then, a second catalyst that is incompatible with the first catalyst system is introduced into the reactor. (See column 2, lines 19-25, column 8, lines 66-68, and column 9, lines 9-10.) It is clear that Agapiou is switching from one catalyst to a different, incompatible catalyst, such as a Ziegler-Natta catalyst in the first instance and a metallocene catalyst in the second instance. (Column 2, lines 59-66.) In fact, the problem that Agapiou is trying to solve is how to transition from one catalyst to another that has different chemical and/or physical attributes. (Column 1, lines 18-22.) Therefore, Agapiou does not suggest in any way an olefin polymerization process in which the same catalyst is used to restart the reaction.

Claim 1 of the present application requires that the restarting step comprises introducing "the at least one catalyst," that is, the same catalyst that was used in the introducing step. Therefore, the Examiner's argument that the "same type of catalyst" could include different catalysts within a generic group such as all transition metal-containing catalysts, does not take into account the precise language of claim 1. In other words, if a particular Ziegler-Natta catalyst is used in the introducing step, then that same Ziegler-Natta catalyst is used in the restarting step as opposed to a different catalyst that may be within some generic grouping with the first catalyst.

Therefore, claim 1 and dependent claims 2-6 and 10-14 are nonobvious over Agapiou.

Applicant requests that the § 103(a) rejection be withdrawn.

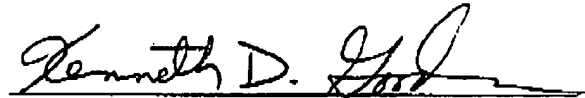
**4. Conclusion**

Applicant requests allowance of claims 1-15. If there are any questions regarding this response, please contact the undersigned attorney.

Respectfully submitted,

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